

REMARKS

Claims 1-18 were pending in the application. Claims 1, 7, and 13 have been amended and no claims have been cancelled or added. New dependent claims 19-21 have been added to further protect applicants' invention. Therefore, claims 1-21 are pending in the application and are submitted for reconsideration.

This amendment changes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the Office Action, claims 1-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 4,799,156 ("Shavit") in view of Official Notice.

Applicants respectfully traverse this rejection for at least the following reasons.

Independent claims 1, 7, and 13 recite a method, system, and software that provides for an improved supply chain management framework by providing a supply chain manager that receives independent store data in a second format that allows for the derivation of product requirements to support forecasted sales of goods by the stores. See, for example, page 42, lines 12-15 of the specification. Therefore, the claimed features provide that sales at the store level in a first format are correlated to a second format that allows for the derivation of product requirements (for example, upstream in the supply chain) that support forecasted sales in the stores. Accordingly, the sales of hamburgers at the independent store level could be correlated to boxes of hamburger patties (supplied by a supplier) that corresponds to a forecasted sales of the hamburgers at one of several independent stores. These recited features are not disclosed or suggested by the applied prior art. This is doubly so in this case where the stores are independent from each other.

Specifically, Shavit discloses an interactive system for on-line electronic communications between a plurality of buyers and sellers. See col. 2, lines 15-20. The cited portions in the Office Action, col. 28, lines 40-50 and col. 33, lines 50-65 relates to reporting functions. However, nowhere does Shavit disclose or suggest the claimed features discussed above.

Applicants do not believe that official notice is appropriate with respect to the claimed features that are not disclosed by Shavit. In this regard, applicants respectfully request the examiner to cite a reference to disclose the claimed features. See MPEP 2144.03.

In summary, neither the claimed features nor their advantages are disclosed by the applied prior art. Accordingly, the pending independent claims are believed to be patentable over the applied prior art.

The dependent claims are patentable for at least the same reasons as the respective independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. New claims 19-21 relate to feeding back product mix trend data to stores and generating an alert of there is a deviation between actual sales and forecasted sales. These features are supported on page 42 of the specification and are also not disclosed in the applied art and provides additional reasons for the patentability of these claims.

In view of the above, applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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